

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 25431 PERMIT 17436 LICENSE \_\_\_\_\_

ORDER INCIDENTAL PURPOSE OF USE,  
APPROVING A NEW DEVELOPMENT SCHEDULE,  
AND AMENDING THE PERMIT

**WHEREAS:**

1. Permit 17436 was issued to William E. Morgan and Barbara J. Morgan, September 15, 1978, pursuant to Application 25431.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board (Board).
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
4. Stockwatering, Recreation and Wildlife Enhancement should be added as incidental uses, under Section 798 of the California Code of Regulations.
5. Permit Condition 11 pertaining to the continuing authority of the Board should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

**NOW, THEREFORE, IT IS ORDERED THAT:**

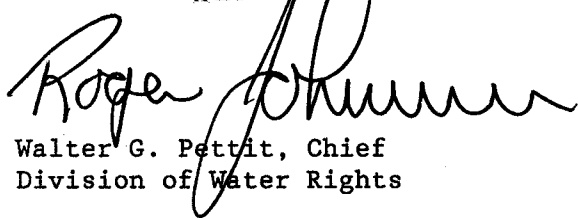
1. Condition 3 of the permit be amended to read:  
  
Purpose of Use:  
  
Irrigation, Frost Protection, Heat Protection, Stockwatering,  
Recreation and Wildlife Enhancement (0000003)
2. Condition 7 of the permit be amended to read:  
  
CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE December 31, 1990 (0000008)
3. Condition 8 of the permit be amended to read:  
  
COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE December 31, 1993 (0000009)
4. Condition 11 of this permit be amended to read:  
  
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: **DECEMBER 26 1989**

  
foi Walter G. Pettit, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 25431

PERMIT 17436

LICENSE \_\_\_\_\_

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE, CHANGE IN DISTRIBUTION OF STORAGE, ADDITION OF POINT OF DIVERSION AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use and a petition to change the distribution of storage, add a point of diversion, and delete two previous points of diversion have been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time and for the said changes.
3. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 7 of the permit is amended to read as follows:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE December 1, 1984 (0000008)

2. Paragraph 8 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE December 1, 1987 (0000009)

3. Permission is hereby granted under this permit to change the distribution of storage as follows:

12 ACRE-FEET TO BE STORED AT Reservoir #1

33 ACRE-FEET TO BE STORED AT Reservoir #4

4. Reservoir #2 and #3 are deleted, therefore Paragraph 2 of this permit regarding points of diversion is amended to read as follows:

Reservoir #1: West 550 feet from the SE corner of Projected Section 29, T6N, R2W, MDB&M, being within the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 29.

Reservoir #4: South 450 feet and East 25 feet from W $\frac{1}{4}$  corner of Projected Section 28, T6N, R2W, MDB&M, being within the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 28.

5. Paragraph 11 of this permit is deleted. A new Paragraph 11 is added as follows:

Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

(0000012)

Dated: FEBRUARY 14 1984



Raymond Walsh, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 17436

Application 25431 of William E. Morgan and Barbara J. Morgan  
2460 Bates Avenue, Concord, California 94520

filed on July 18, 1977, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Unnamed Streams (3)	Gordon Valley Creek thence
	Ledgewood Creek thence
	Suisun Slough thence
	Suisun Bay

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridan
Reservoir #1 W550 ft from the SE Corner of Projected Section 29	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	29	6N	2W	MD
Reservoir #2 N2300 ft and W700 ft from the SE Corner of Projected Section 29	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	29	6N	2W	MD
Reservoir #3 N2800 ft and W850 ft from the SE Corner of Projected Section 29	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	29	6N	2W	MD

County of Napa

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridan	Acres
Frost Protection						
Heat Protection						
Irrigation	W $\frac{1}{2}$ of NW $\frac{1}{4}$	28	6N	2W	MD	22
	W $\frac{1}{2}$ of SW $\frac{1}{4}$	28	6N	2W	MD	7
	E $\frac{1}{2}$ of NE $\frac{1}{4}$	29	6N	2W	MD	9
	E $\frac{1}{2}$ of SE $\frac{1}{4}$	29	6N	2W	MD	7
					Total	45

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed A TOTAL OF 90 ACRE-Feet PER ANNUM TO BE COLLECTED FROM OCTOBER 1 OF EACH YEAR TO MAY 1 OF THE SUCCEEDING YEAR AS FOLLOWS: (1) 20 ACRE-Feet PER ANNUM IN #1 RESERVOIR, (2) 15 ACRE-Feet PER ANNUM IN #2 RESERVOIR, (3) 10 ACRE-Feet PER ANNUM IN #3 RESERVOIR. REPLENISHMENT STORAGE 45 ACRE-Feet PER ANNUM.

THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE. (000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (000006)

~~XXXXXX Construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so prosecuted and prosecuted, this permit may be revoked.~~

7. ~~XX~~ Said construction work shall be completed on or before DECEMBER 1, 1981. (000008)
8. ~~XX~~ Complete application of the water to the proposed use shall be made on or before DECEMBER 1, 1982. (000009)
9. ~~XX~~ Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (000010)
10. ~~XX~~ Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (000011)
11. ~~XX~~ Pursuant to California Water Code Section 100 all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.  
This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (3) suppressing evaporation losses from water surfaces; (4) controlling phreatophytic growth; and (5) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (000012)
12. ~~XX~~ The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (000013)

13. THE STATE WATER RESOURCES CONTROL BOARD RESERVES JURISDICTION OVER THIS PERMIT TO IMPOSE ANY APPROPRIATE CONDITIONS AT SOME FUTURE DATE TO CONFORM THE PERMIT TO BOARD POLICY ON USE OF WATER FOR FROST PROTECTION. ACTION BY THE BOARD WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING. (000020)

This permit is issued and permittee takes it subject to the following provisions of the Water Code.

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: SEPTEMBER 15 1978

STATE WATER RESOURCES CONTROL BOARD

*C. H. H. H.*  
EXECUTIVE DIRECTOR

Chief, Division of Water Rights

WATER RIGHTS AND ADMINISTRATION